IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5518 OF 2004

Rev. R.S. Bandare & Ors. ...Petitioners

Versus

Samuel Nathaniel Ranbhise & Ors ...Respondents

.....

Mr. Uday Warunjikar, counsel for Petitioners

Mr. S.S. Patwardhan, counsel for Respondent No.1

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 16TH MARCH, 2005

P. C.:-

1. Heard Mr. Warunjikar, the learned counsel for the petitioners and Mr. Patwardhan, the learned counsel for the respondent No.1.

2. The order passed by the learned III Additional District Judge at Sangli allowing the stay petition at Exh.6 partly on 17.1.2004 has been challenged in this petition under Article 227 of the Constitution of India. The Lower Appellate Court directed stay to the effect and operation of the scheme framed by the Assistant Charity Commissioner at Sangli and more particularly in respect of the appointment of the members of the first Managing Committee and further directed that the Adhoc Committee to continue for a

period of six months. The Lower Appellate Court was of the view that the main appeal itself could be decided within a period of six months and hence, the interim arrangement was so made.

3. For some or the other reasons, the appeal is still pending and it would be therefore, appropriate that the same is decided within a fixed period.

4. The petition is therefore, disposed of with directions to the Lower Appellate Court to decide the pending appeal on its own merits by 31.5.2005 and till then the Adhoc committee which is in office as at present shall continue to hold the charge.

5. The parties to appear before the Lower Appellate Court on 24.3.2005 and they have furnished their solemn undertaking that they would co-operate in getting the pending appeal decided before 31.5.2005. The appeal will be decided on its own merits and without being influenced by any observations made in the interlocutory order.